

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CORLIMA RENEE COLQUITT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CV-1460-JCH
)	
ST. JOHN'S MERCY HEALTH SERVICE,)	
et al.,)	
)	
Defendant(s).)	

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Corlima Renee Colquitt for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the undersigned finds that plaintiff is financially unable to pay any portion of the filing fee. As such, the Court will grant plaintiff's motion for leave to proceed in forma pauperis [Doc. #2].

Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17, against defendants St. John's Mercy Health Service, Mary Lehmann (Manager, HR), Catherine Amen (Executive Director of Receivables), Leah Lambert (Manager of Receivables), Matthew Titus (Business Analyst), and Patrick Berry (Director of Pharmacies).

Title VII imposes liability only against an "employer" who engages in certain discriminatory practices. As such, plaintiff's claims against St. John's Mercy Health Service are not subject to dismissal at this time. As to supervisory employees, however, the United States Court of Appeals for the Eighth Circuit has squarely held that "supervisors may not be held individually liable under Title VII." Bonomolo-Hagen v. Clay Central-Everly Community School District, 121 F.3d 446, 447 (8th Cir. 1997)(citing Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir.

1997)(per curiam); see Bales v. Wal-Mart Stores, Inc., 143 F.3d 1103, 1110-11 (8th Cir. 1998).

Thus, as to defendants Mary Lehmann, Catherine Amen, Leah Lambert, Matthew Titus, and Patrick Berry, the complaint will be dismissed as legally frivolous.

Therefore,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to be issued upon the complaint as to defendant St. John's Mercy Health Service.

IT IS FURTHER ORDERED that, as to defendants Mary Lehmann, Catherine Amen, Leah Lambert, Matthew Titus, and Patrick Berry, the Clerk shall not issue process or cause process to be issued, because the complaint is legally frivolous and fails to state a claim or cause of action. See 28 U.S.C. § 1915(e)(2)(B).

A separate Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 31st day of August, 2011.

/s/Jean C. Hamilton
UNITED STATES DISTRICT JUDGE